

REMARKS

Following entry of the foregoing amendments, claims 1 to 3 and 5 to 16 will be pending in the application. Claim 1 has been amended, and claim 4 has been canceled, herein, without prejudice. No new claims have been added. Applicant respectfully requests reconsideration of the rejections of record in view of the following remarks.

Preliminarily, applicant notes that claim 1 has been amended to recite that the electrically conductive element is substantially flexible. Support for the amendment is found throughout the specification as originally filed, including, for example, original claim 4.

Objection to the Drawings

New figure 5, submitted to the Patent Office with the reply filed October 19, 2006, has been objected to for allegedly introducing new matter into the application. The Office asserts that the application as originally filed does not contain sufficient description to allow the figure to be produced. Applicant respectfully submits, however, that the specification and drawings as originally filed describe all aspects of new figure 5.

New figure 5 differs from original figure 4 in only two aspects, inclusion of power source 150 and inclusion of active agent reservoir 160 containing an active agent 165. Support for the addition of power source 150 is found throughout the specification as originally filed, including, for example, paragraph 30, which states that “Contact End **107** may be coated with Contact Coating **108**, which will make electrical contact with other electrical components of the electrotransport device located outside of the reservoir housing. These typically include, but are not limited to the power source and current regulating circuitry.” New figure 5 depicts a power source located outside of the reservoir housing.

Support for the addition of active agent reservoir 160 containing an active agent 165 is found throughout the specification as originally filed, including, for example, paragraph 31, which states that “Electrode Coating **104** would therefore be in contact with the agent containing reservoir (not shown) that would be placed within Reservoir Housing **120**.” New figure 5 depicts active agent reservoir 160 placed within the reservoir housing 120 and in contact with electrode coating 104. The specification as originally filed thus contains sufficient description to allow new figure 5 to be produced.

Although the Office asserts that new figure 5 shows the device depicted in figure 4, “as well as a second set of the elements depicted in figure 4,”¹ present figure 5 does *not* contain a second set of the elements depicted in figure 4. The Office further asserts that new figure 5 introduces new matter because “applicant can now seek to claim, for instance, that the flexible region (105) is shaped in a U-shape.”² Flexible region 105 depicted in new figure 5, however, does not differ from flexible region 105 depicted in original figures 2 and 3. Moreover, paragraph 32 of the specification as originally filed indicates that a “sufficient length of the Connection Portion **102** is located outside of the Reservoir Housing **120** so that Flexible Conductor **100** can be bent or folded back on itself and be positioned along the upper Outer Surface **140** of Reservoir Housing **120**. Part of the Connection Portion **102** is located outside of the Reservoir Housing **120** and is called the Flexible Region **105**.” Finally, the Office asserts that new figure 5 introduces new matter because “applicant can now seek to claim, for instance...the physical contact relationship between the electrode and the active agent reservoir.”³ As discussed above, however, paragraph 31 of the specification as originally filed states that “Electrode Coating **104** would therefore be in contact with the agent containing reservoir (not shown) that would be placed within Reservoir Housing **120**.”

The specification and drawings as originally filed thus describe all aspects of new figure 5. Accordingly, new figure 5 does not introduce new matter into the application, and applicant respectfully requests withdrawal of the objection.

Alleged Anticipation

A. Claims 1 to 4 and 6 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. patent number 5,224,927 (“the Tapper patent”). Applicant respectfully requests reconsideration and withdrawal of the rejection because the Tapper patent fails to describe or suggest every limitation of the pending claims.

Claim 1 as amended herein recites an electrotransport device comprising, *inter alia*, a non-conductive reservoir housing and a substantially flexible electrically conductive element integrally molded within the housing. The Tapper patent fails to describe such

¹ Office action dated January 8, 2007, page 3.

² *id.*

³ *id.*

electrotransport devices. For example, the patent describes an iontophoretic patch device containing electrodes 16a and 16b electrically connected to an electronics package 15 via electrically conductive tabs 21a and 21b.⁴ The patent does not teach or suggest that electrodes 16a and 16b and conductive tabs 21a and 21b are substantially flexible. Accordingly, the patent does not describe or suggest a *substantially flexible* electrically conductive element integrally molded within a non-conductive reservoir housing. The patent thus fails to anticipate the presently claimed subject matter, and applicant accordingly, respectfully requests withdrawal of the rejection.

B. Claims 1 to 6 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. patent number 5,857,994 (“the Flower patent”). Applicant respectfully requests reconsideration and withdrawal of the rejection because the Flower patent fails to describe or suggest every limitation of the pending claims.

Claim 1 as amended herein recites an electrotransport device comprising, *inter alia*, a non-conductive reservoir housing having an internal cavity containing a first electrode and a first reservoir and including a substantially flexible electrically conductive element integrally molded within the housing. The Flower patent fails to describe such electrotransport devices. For example, the patent describes an iontophoretic drug delivery device that includes a controller 2 and a patch 4 containing active electrode 8 and return electrode 10. The controller is electrically coupled to the patch using electronic interconnectors 26.⁵ The Flower patent, however, does not teach or suggest that the patch has a housing having an internal cavity that contains the electrodes. Moreover, the patent does not teach or suggest that the interconnectors are integrally molded within a housing. Accordingly, the patent fails to describe or suggest a non-conductive reservoir housing having an internal cavity containing a first electrode and a first reservoir and including a substantially flexible electrically conductive element integrally molded within the housing. The patent thus fails to anticipate the presently claimed subject matter, and applicant accordingly, respectfully requests withdrawal of the rejection.

C. Claims 1 to 11, 15, and 16 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. patent number 5,857,994 (“the Kuribayshi patent”). Applicant

⁴ Figures 2 and 3 and col. 8, lines 17 to 20 and col. 7, line 68 to col. 8, line 2.

⁵ Figures 1 and 2 and col. 4, lines 15 to 30.

respectfully requests reconsideration and withdrawal of the rejection because the Kuribayshi patent fails to describe or suggest every limitation of the pending claims.

Claim 1 as amended herein recites an electrotransport device comprising, *inter alia*, a non-conductive reservoir housing having an internal cavity containing a first electrode and a first reservoir and including a substantially flexible electrically conductive element integrally molded within the housing and having a first end in communication with the first reservoir and a second end that is disposed on the outside of the reservoir housing and extends therefrom. The Kuribayshi patent fails to describe such electrotransport devices. For example, the patent describes an iontophoresis device that includes an electrode structure and an electric current output portion.⁶ The patent, however, does not teach or suggest that the iontophoresis device contains a non-conductive reservoir housing having an internal cavity containing a first electrode and a first reservoir and including a substantially flexible electrically conductive element integrally molded within the housing. Moreover, the patent does not describe or suggest an electrically conductive element having a first end in communication with the first reservoir and a second end that is disposed on the outside of the reservoir housing and extends therefrom. The patent thus fails to anticipate the presently claimed subject matter, and applicant accordingly, respectfully requests withdrawal of the rejection.

Alleged Obviousness

Claims 12 to 14 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over the Kuribayshi patent. Applicant respectfully requests reconsideration and withdrawal of the rejection as it appears to be based on the assumption that the Kuribayshi patent teaches or suggests all the limitations of claims 12 to 14 except the limitations relating to the identity of the recited therapeutic agents. Since this assumption is believed to be incorrect, as discussed above in connection with the rejection for alleged anticipation based on the Kuribayshi patent, applicant respectfully requests withdrawal of the rejection.

⁶ Col. 5, lines 49 to 58 and col. 10, lines 49 to 51.

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PATENT

Conclusion

Applicant believes that the foregoing constitutes a complete and full response to the official action of record. Accordingly, an early and favorable action is respectfully requested.

Respectfully submitted,

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